

REMARKS

Claims 31 and 35-39 are pending in this application.

The rejection of Claims 31 and 35-39 under the doctrine of obviousness-type double patenting over Claims 12-14 of US 6,878,811 with or without Lopez et al or Ruggeri et al, is obviated by submission of an executed Terminal Disclaimer. Applicants **submit herewith** a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c), disclaiming the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of US 6,878,811. Applicants note that a new Power of Attorney was filed in this case on April 14, 2009. Accordingly, Applicants believe that this ground of rejection is no longer at issue and should be withdrawn. Acknowledgement to this effect is requested.

Applicants submit that the application is now in condition for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Stephen G. Baxter, Ph.D.  
Registration No. 32,884

Vincent K. Shier, Ph.D.  
Registration No. 50,552

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220